REGISTER OF CLASSIFICATION DECISIONS

Date of entry in Register:	05 March 1998
Name of applicant/court:	Secretary for Internal Affairs
Applicant to the Labelling Body:	Not Applicable
Title of Publication:	Le Garcon Près De La Piscine
Other Known Titles:	Piscine
Director:	J.D. Cadinot
Producer:	Not Stated
Publisher:	Not Applicable
Author:	Not Applicable
Format:	Video Recording VHS/PAL
Country of Origin:	France
Language:	French, German

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Components of film originally examined:

Feature:	Le Garcon Près De La Piscine	Running time:	57.15
Trailers:	Copyright Warning Notice	Running time:	0.21
	Gero Gay Video Notice		0.18
	Vos Prochains Spectacles		1.57
	Sous Le Signe De L'Etalon		2.08
	Stop		1.53
	Classe De Neige		2.16
	Le Jeu de Pistes		1.10
	French Art Notice		0.06
	Various Videos Notice		0.47
	Les Minets Sauvages		0.58
	Sacré Collége!		1.38
	Garcons De Réves		0.26
	Charmants Cousins		0.31
	Age Thundre		0.40
	Aime Mirat		0.31
	Untitled		0.45
	Scouts		0.26
	Harem		1.42
	Les Hommes		0.49
	Trophy/Colt/Easy Entry/Every Which Way		0.56
	Gero Gay Video Presents Notice		4.02
		Total Running time:	81.35

Excision/Alteration: No.

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Reason(s) for Excision:

Not Applicable.

Classification Decision:

Objectionable.

Display Conditions:

Not Applicable.

Descriptive Note:

Not Applicable.

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Direction to issue a label has not been given.

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SUMMARY OF THE REASONS FOR DECISION:

The video recording *Le Garcon Près De La Piscine* is classified as:
Objectionable.

The recording presents explicit depictions of male to male sexual activity. It promotes and supports the exploitation of young persons for sexual purposes. The final scene in the feature component and 12 trailers and notices depict young male persons (aged between 14 and 17 years) engaging in explicit sexual activity. Some of the males have youthful physical appearances while others wear youthful clothing such as scout uniforms. These scenes were recommended for excision. However, the owner of the recording did not make the excisions. If the excisions had been made the recording would be classified as objectionable except if the availability of the publication is restricted to persons who have attained the age of 18 years.

To promote and support the exploitation of young persons for sexual purposes falls under s3(2) of the Films, Videos, and Publications Classification Act 1993. Section 3(2) is a deeming provision that overrides, and cannot be given a meaning that is consistent with, the right to freedom of expression under the New Zealand Bill of Rights Act 1990 (NZBR Act). This restriction on the right to freedom of expression is both reasonable and justified, as outlined in s5 of the NZBR Act.

OFLC Ref: 9501208